

REMARKS

Reconsideration is requested.

Claims 35-47 have been added. Support for the new claims may be found throughout the specification, such as on page 7, lines 16-19 and on page 25. No new matter has been added.

Claim 46 provides a nucleic acid molecule defined by reference to the specific nucleic acid residues 1668-1721 of SEQ ID NO: 92. This specific sequence, which encodes a polypeptide comprising the entire amino acid sequence of SEQ ID NO: 183, differs from the sequence as reported in the cited prior art, as shown below:

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SEQ92 : gta gagacggagt ttcaccggtgt tagccaggat ggtctcgata tcctgacctc g
11344 : gta gagacggagt ttcatcggtgt tagccaggat ggtctcgata tcctgacctc g
115308: gta gagacggagt ttcacccggtgt tagccaggat ggtcttgata tcctgacctc g
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Claim 47 further specifies that, upon expression in a suitable expression system, the nucleic acid produces a polypeptide comprising SEQ ID NO: 183. It should be noted that the sequences cited by the Examiner contain various reading frames and many stop codons. The introduction of this sequence in an expression system would not result in the expression of a polypeptide comprising SEQ ID NO: 183, because transcription would be stopped. These prior art sequences are thus not necessarily nucleic acid sequences as recited in claim 47.

Claims 1, 2, 16 and 35-47 are pending. The allowance of claim 1 is acknowledged, with appreciation. See page 1 of the Office Action dated August 21, 2009. Claim 16 has been revised to depend only from allowed claim 1 to at least also

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place claim 16 in condition for allowance. Notice of same is requested in the Examiner's next Action. Claim 2 has been revised, without prejudice, to advance prosecution by further distinguishing the claimed product from the cited art.

The Examiner interview of January 22, 2010 and related discussions are acknowledged with appreciation. The Examiner's Summary of the interview is accurate in its brief description of the issues discussed. The applicants appreciate the Examiner's advice as to where copies of reference may be found on web sites other than those maintained by the U.S. Patent Office (i.e., WIPO) however as the U.S. Patent Office has an obligation to provide a copy of at least references cited as the basis for a rejection, and to make same a part of the permanent record of the U.S. Patent Office application file, the applicants request that the U.S. Patent Office make a copy of the complete reference containing the cited sequence of record in the PTO IFW. The Examiner's assistance in this regard will be appreciated.

The Section 102 rejection of claims 2 and 16 over Schlegel (WO 01/60860), is traversed. The Section 102 rejection of claims 2 and 16 over Venter (U.S. Patent No. 6,812,339), is traversed. Reconsideration and withdrawal of the rejections are requested as the cited art fails to teach or suggest the specific sequence or probe or component of the claims. The cited art may describe larger nucleic acid sequences containing a sequence encoding SEQ ID NO:183 of the present application however the cited art is not believed to describe or suggest the presently claimed invention. Withdrawal of the Section 102 rejections is requested.

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The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required in this regard.

Respectfully submitted,

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